

**General Assembly
Security Council**Distr.: General
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General Assembly
Fifty-ninth session
Agenda items 36 and 148**Security Council**
Sixtieth year**The situation in the Middle East****Measures to eliminate international terrorism****Identical letters dated 27 May 2005 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

This week marked the fifth anniversary of Israel's complete withdrawal from southern Lebanon. Israel's total withdrawal from southern Lebanon in May 2000 was in full compliance with Security Council resolution 425 (1978) and has been confirmed inter alia by the Secretary-General, by the Security Council in resolutions 1310 (2000) and 1337 (2001), and by the statement of the President of the Security Council of 18 June 2000.

At the outset, Israel would like to note that it views the recent democratic processes occurring within Lebanon, with the support of the international community, as positive developments for the region, for Lebanon, and for all those interested in strengthening its sovereignty and well-being.

Notwithstanding these positive developments, there are still reasons for concern: although Israel is in full and confirmed compliance with resolution 425 (1978), the Lebanese Government has not yet fulfilled its part of the resolution or met its obligations under the norms of international law, which call for the restoration of international peace and security and the implementation of Lebanese authority over all its territory, including the south.

The lack of Lebanese authority in its southern region, including the border area with Israel, has enabled terrorist organizations and militias to act freely. In fact, recent months have seen a surge in the number of cross-border attacks against Israel and an increase in terrorist activity stemming from Lebanon.

Moreover, most recent inflammatory statements made by terrorist leaders operating in Lebanon risk further escalations and could jeopardize the stability of the region as a whole.



These developments reiterate the pressing need for the immediate disbanding and disarmament of all Lebanese and non-Lebanese militias operating in Lebanon.

Israel believes that the extension of control of the Government of Lebanon over all of its territory would represent a basic, important step in the furthering of peace and stability in our region and calls upon the international community to help the Government of Lebanon take all the necessary steps towards this end.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-ninth session of the General Assembly, under agenda items 36 and 148, and of the Security Council.

(Signed) Daniel Carmon
Ambassador
Chargé d'affaires a.i.

**General Assembly
Security Council**Distr.: General
1 June 2005

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**General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus****Security Council
Fifty-ninth year****Letter dated 31 May 2005 from the Permanent Representative of
Turkey to the United Nations addressed to the Secretary-General**

Turkey and the Turkish Republic of Northern Cyprus continue to support efforts to find a comprehensive settlement to the Cyprus issue within the framework of your good-offices mission and on the basis of the plan which is being referred to as the Annan plan. The Turkish side has clearly demonstrated its resolve in this regard, and will continue to do so. With that understanding, Turkey and the Turkish Republic of Northern Cyprus will hold consultations with the United Nations delegation that will visit the region this week.

The rejection of the plan by the Greek Cypriot side in the referendum held in Cyprus on 24 April 2004 and the following accession of the Greek Cypriots to the European Union created an entirely new situation on the island. However, the Turkish Cypriots, though having fulfilled their responsibilities on the way to a solution by voting overwhelmingly in favour of the plan, continue to face difficulties arising from ongoing political, economic, cultural and social isolation.

Although, following the referendum, the European Union as well as certain international organizations and a number of countries on a bilateral basis made some efforts for the lifting of the unjust restrictions imposed on the Turkish Cypriots, unfortunately nothing substantial came out of those initiatives. Turkish Cypriots continue to live under difficult conditions, which they have been facing for the last 40 years.

In order to put an end to this inhumane situation and bring about normalcy in the day-to-day dealings between the two sides of the island, Turkey calls upon all relevant parties to simultaneously lift all restrictions. It will be recalled that the Turkish side already took constructive steps towards that end in the past. The unilateral decision of the Turkish Republic of Northern Cyprus to open border crossings on the island on 23 April 2003 and the decision of the Government of Turkey to facilitate the travel of Greek Cypriots to Turkey are only two examples in that regard.

In this context, on 30 May 2005, Deputy Prime Minister and Minister of Foreign Affairs Abdullah Gül publicly made the following proposals, to be adopted



and implemented as a whole, which represent another concrete initiative for paving the way to reaching a just, durable and comprehensive solution:

(a) Free movement of people, goods and services to and from the Turkish Cypriot side, as well as between the North and the South;

(b) Lifting of total restrictions applied to all sea and airports, including direct flights;

(c) Elimination of restrictions regarding third-country nationals;

(d) Special arrangements for the direct inclusion of North Cyprus as an economic entity in the European Union customs union and for enjoyment of its full benefits by all Turkish Cypriots;

(e) Removal of all obstacles that prevent the Turkish Cypriot side from participating in international sports, culture and other activities.

The preceding proposals conform with the repeated calls of the international community, particularly by the United Nations, the European Union, the Council of Europe and the Organization of the Islamic Conference, made after the referendum, with a view to integrating the Turkish Cypriots with the world.

I would be grateful if the text of this letter could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



**General Assembly
Security Council**

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**General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus**

**Security Council
Sixtieth year**

**Letter dated 31 May 2005 from the Permanent Representative of
Turkey to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a letter dated 27 May 2005 addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(Signed) Baki İltin
Ambassador
Permanent Representative



Annex to the letter dated 31 May 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 8 April 2005 addressed to you by the Greek Cypriot representative in New York and circulated as a document of the General Assembly and of the Security Council (A/59/777-S/2005/234), which contained distorted and misleading information regarding a lawsuit brought against Turkey by a Greek Cypriot at the European Court of Human Rights.

It should be mentioned at the outset that the decision of the Court (Third section) in the application by Myra Xenides-Arestis against Turkey (No. 46347/99) is a preliminary decision on admissibility. The Court considered that, in the light of the parties' submissions, the complaints raise serious issues of fact and law under the European Convention, the determination of which requires an examination of the merits.

The Third Section does accept the view that international law recognizes the legitimacy of legal arrangements and transactions in certain situations akin to those existing in TRNC, thereby rejecting the view put forth by the applicant and the intervening third party (the Greek Cypriot Administration) that Law No. 49/2003 of TRNC providing for compensation for Greek Cypriot property in North Cyprus, has no valid legal basis in international law. Although the Court does not consider the remedy provided under Law No. 49/2003 to be adequate, it gives a reasonably clear indication of changes TRNC could make to that Law to meet the requirements of an effective domestic remedy. The Court's extensive references to the provisions of Law 49/2003 throughout its decision clearly demonstrate the importance the Court attached to the question of domestic remedies in TRNC. Moreover, the Court does not reject Turkey's arguments for, or accept the applicant's and the Greek Cypriot arguments against, the possibility of an effective domestic remedy under article 35 (1) of the Convention being introduced after an application has been filed but before a decision on admissibility has been made.

It may be recalled that the Annan plan provided for the establishment of a property board to deal with applications relating to property affected by events since 1963, and not merely by events since 1974. The plan acknowledged that the reciprocal property issue in Cyprus needed a sui generis solution. This indeed shows that the issue of property in Cyprus is recognized as being too complicated to be amenable to settlement by way of individual application to the Court, such as that by Myra Xenides-Arestis.

It was thought that the Compensation Commission established under Law 49/2003 would have gained more significance after the Greek Cypriot side, on the instigation of the Greek Cypriot Administration, had rejected the Annan plan. That Administration has, however, also taken drastic measures to prevent Greek Cypriots from applying to the Compensation Commission. Such measures have amounted to threats and stigmatization of those who might apply to the Commission.

It should be emphasized that the reciprocal property issue in Cyprus needs a political solution. The landscape in Cyprus has undergone significant transformation over the past decades and it is not possible now to turn the clock back as though nothing has changed. The Greek Cypriot side has also taken measures as to the

expropriation of Turkish Cypriot property in the South of the island. All Turkish Cypriot properties in the South have, by virtue of a law passed by the Greek Cypriot parliament, come under the administration of the Greek Cypriot authorities, who refuse claims of possession by Turkish Cypriots. Moreover, such properties have extensively been compulsorily acquired or subjected to de facto expropriation. The Greek Cypriot authorities have made public statements to the effect that compensation shall not be paid to any Turkish Cypriot until there is a political settlement in the island.

On the other hand, contrary to its position relating to Turkish Cypriot property in the South, the Greek Cypriot Administration is encouraging applications against Turkey in the European Court of Human Rights, as well as the commencement of legal proceedings in the courts in the South. Moreover, arrest warrants are being issued by the courts in the South against the present users. Such measures that are being encouraged and sponsored by the Greek Cypriot Administration not only ignore the accrued rights of the Turkish Cypriots but tend to prolong their political and economic isolation and restrict their freedoms.

It should be urged upon the Greek Cypriot Administration that such measures complicate further the issue of property in the island and undermine the relations between the Greek Cypriots and the Turkish Cypriots and therefore have a negative effect on efforts for an overall political settlement in the island.

(Signed) Reşat Çağlar
Representative
Turkish Republic of Northern Cyprus